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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Hugo AGUIRRE, Defendant.	Mag. Case No. '08 MJ 8076 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Deported Alien Found In the United States

The undersigned complainant being duly sworn states:

On or about January 25, 2008, within the Southern District of California, defendant Hugo AGUIRRE, an alien, who previously had been excluded, deported or removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF JANUARY 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

I, Senior Border Patrol Agent Michael Mikuski declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complaint states that this complaint is based upon statements in the investigative reports by the apprehending agent, Border Patrol Agent G. Candela, that on January 25, 2008, the defendant, a native and citizen of Mexico, was apprehended near Ocotillo, California, as he attempted to enter the United States approximately 29 miles west of the Calexico, California west Port of Entry.

Agent Candela was performing his assigned duties in the mountainous region west of Ocotillo, California when he encountered two individuals, one later identified as Hugo AGUIRRE, north of the international boundary with Mexico. Agent Candela identified himself as a Border Patrol Agent and questioned the two individuals. Both AGUIRRE and the other individual stated they are citizens of countries other than the United States. AGUIRRE stated he is a citizen of Mexico illegally in the United States. AGUIRRE and the other subject were placed under arrest and transported to the El Centro Border Patrol Station for further processing.

During processing at the station, AGUIRRE's fingerprints were entered into the IDENT/IAFIS system. Record checks revealed AGUIRRE has been recently removed from the United States on January 17, 2008. Further record checks also revealed that AGUIRRE has an extensive criminal and Immigration record.

Agent K. Bianchi witnessed Agent M. Hurtado read AGUIRRE his rights as per Miranda. There is no evidence AGUIRRE has sought or received permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States.

Executed on January 26, 2008, at 12:35 P.M.

Michael Mikuski
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable Cause to believe that the defendant named in this probable cause statement committed the offense on January 25, 2008 in violation of Title 8, United States Code 1326.

Peter C. Lewis
United States Magistrate Judge

1-26-08 @ 2:34 pm
Date/Time